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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **SACRAMENTO DIVISION**

13 JOSE ASCENCION DUENAS,) Case No.: 2:24-cv-00186-JDP
14 Plaintiff,)
15 vs.) **STIPULATION TO VOLUNTARY
16 MARTIN O'MALLEY,) REMAND PURSUANT TO SENTENCE
Commissioner of Social Security,) FOUR OF 42 U.S.C. § 405(g) AND TO
17) ENTRY OF JUDGMENT; [PROPOSED]
Defendant.) **ORDER**
18)
19)**

20 IT IS STIPULATED by and between Plaintiff Jose Duenas (“Plaintiff”) and Defendant
21 Martin O’Malley, Commissioner of Social Security (“Defendant”), through their undersigned
22 counsel of record, that the above-entitled action shall be remanded to the Commissioner of
23 Social Security for further administrative proceedings.
24

25 Upon remand, the Appeals Council will remand the case to an Administrative Law
26 Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate the evidence of record. The
27 parties further request that the Court direct the Clerk of the Court to enter a final judgment in
28 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

STIPULATION TO REMAND

1 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
2 Social Security Act, 42 U.S.C. 405(g).

3 Dated: March 18, 2024

Respectfully submitted,

4 /s/ Kevin D. Heitke*

5 (*as authorized via e-mail on Mar. 15, 2024)

6 KEVIN D. HEITKE

7 Attorney for Plaintiff

8 PHILLIP A. TALBERT

9 United States Attorney

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11 Associate General Counsel

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13 By:

14 /s/ Christopher Vieira

15 CHRISTOPHER VIEIRA

16 Special Assistant United States Attorney

17 Attorneys for Defendant

18 **{PROPOSED} ORDER**

19 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
20 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,
21 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social
22 Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social
23 Security Act, 42 U.S.C. 405(g).

24 IT IS SO ORDERED.

25 Dated: April 4, 2024

26 
27 JEREMY D. PETERSON
28 UNITED STATES MAGISTRATE JUDGE